

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CHRISTOPHER AARON VASS,

Plaintiff,

v.

**WARDEN LAWRENCE
WHITTINGHAM, *et al.*,**

Defendants.

CIVIL ACTION NO. 5:22-cv-243 (MTT)

ORDER

Plaintiff Christopher Aaron Vass—an inmate in the custody of the Georgia Department of Corrections—raises a variety of constitutional claims that stem from his incarceration at Wilcox State Prison (“WSP”). Doc. 1. After screening pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), United States Magistrate Judge Charles Weigle allowed Vass’s failure-to-protect claim against Lieutenant Brown and Warden Whittingham, his conditions-of-confinement claim against Warden Whittingham, Captain King, and Deputy Warden Burnette, and his retaliation claim against Lieutenant Brown, to proceed.¹ Doc. 7 at 18. The Magistrate Judge, however, recommends the remainder of Vass’s claims be dismissed. Finally, the Magistrate Judge recommends Vass’s motion to expunge negatives entries from his prison records be denied as moot

¹ Vass’s failure-to-protect claim against Warden Whittingham is premised on a theory of supervisory liability. Doc. 7 at 8-10. Because Vass alleges specific instances of systemic violence, the Magistrate Judge concluded “it is reasonable to infer that Defendant Whittingham—the WSP warden—knows about these conditions and would be in a position to reduce the harm presented by them.” *Id.* at 9.

because the relief requested in that motion is duplicative of the relief requested in his complaint. *Id.*

Vass has not objected, so pursuant to 28 U.S.C. § 636(b)(1) the Court reviews the Recommendation for clear error. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 7) is **ADOPTED** and made the order of the Court. Accordingly, only Vass's failure-to-protect claim against Lieutenant Brown and Warden Whittingham, Vass's conditions-of-confinement claim against Warden Whittingham, Captain King, and Deputy Warden Burnette, and Vass's retaliation claim against Lieutenant Brown, remain. The remainder of Vass's claims are **DISMISSED** without prejudice. To the extent Vass moves the Court for relief that is duplicative of the relief requested in his complaint, that motion (Doc. 5) is **DENIED** as moot.

SO ORDERED, this 22nd day of November, 2022.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT